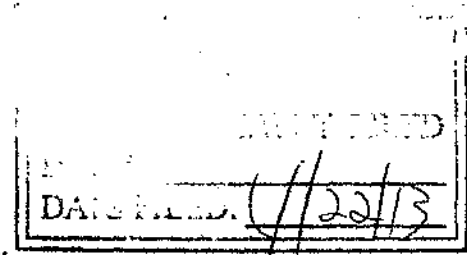


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



----- x
MATTHEW ROSARIO,

Plaintiff,

**STIPULATION AND
ORDER OF DISMISSAL**

-against-

13 CV 0328 (JSR)

THE CITY OF NEW YORK, and P.O. DAVID WHEELER,
Shield No. 16703, Individually and in his Official Capacity,

Defendants.
----- x

WHEREAS, the parties have reached a settlement agreement and now desire to resolve the remaining issues raised in this litigation, without further proceedings and without admitting any fault or liability;

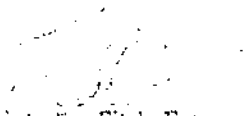
NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, that

1. The above-referenced action is hereby dismissed with prejudice; and

2. Notwithstanding the dismissal of this action in accordance with this agreement, the District Court shall continue to maintain jurisdiction over this action for the purpose of enforcing the terms of the settlement agreement reached between the parties and set forth in the Stipulation of Settlement executed by the parties in this matter.

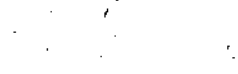
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Attorney for Defendants
100 Church Street, Rm. 3-142
New York, New York 10007

By:


Brian Francolla
Senior Counsel

SO ORDERED:


HON. JED S. RAKOFF
UNITED STATES DISTRICT JUDGE

Dated: New York, New York
4/21 2013